

ORDINANCE OF THE HOOPA VALLEY TRIBE  
HOOPA INDIAN RESERVATION  
HOOPA, CALIFORNIA

ORDINANCE NO: 13-98

DATE APPROVED: JUNE 8, 1998

SUBJECT: APPROVAL OF THE TRIBAL BUSINESS MISCELLANEOUS PROVISIONS CODE,  
TITLE 60 OF THE HOOPA TRIBAL CODE.

WHEREAS: The Hoopa Valley Tribe did on June 20, 1972, adopt a Constitution and Bylaws which was approved by the Commissioner of Indian Affairs on August 18, 1972, ratified by Act of Congress on October 31, 1988, and amended on June 19, 1990 and, by tribal law, the sovereign authority of the Tribe over the matter described herein is delegated to the Hoopa Valley Tribal Council, acting by law, and

WHEREAS: Article IX of the Constitution authorizes the Hoopa Valley Tribal Council to promulgate and enforce ordinances to regulate the conduct of commerce within the Tribe's jurisdiction, and

WHEREAS: The Tribal Council has identified business development and job creation as major goals of the Tribe, and that said goals are consistent with the Tribe's priorities of maintaining a strong, self-governing and stable society.

NOW THEREFORE BE IT RESOLVED: The Hoopa Valley Tribal Council hereby enacts the Tribal Business Miscellaneous Provisions Code as Title 60 of the Hoopa Tribal Code.

## TITLE 60. BUSINESS -- MISCELLANEOUS PROVISIONS

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## TITLE 60. BUSINESS -- MISCELLANEOUS PROVISIONS.GENERAL PROVISIONS

60.101. SHORT TITLE.

This Title may be cited as the Business -- Miscellaneous  
Provisions Code.

60.102. PURPOSE.

The purpose of this Title is to prescribe specific rules, direction and interpretations for various identified provisions of Tribal law that are related to implementation of the Tribal Comprehensive Business Code.

#### 60.103. COMMERCIAL LAND LEASES.

##### (a) Policy and Purpose.

(i) This section prescribes the provisions for implementing Section 10.10 of the Tribal Land Assignment Ordinance, Title 10 of the Hoopa Valley Tribal Code. It is the policy of the Tribe to allow the use of tribal lands for the propose of implementing the provisions of the Tribal Comprehensive Business Code, to the extent that such lands are utilized to the benefit of the Tribe, the lessee and the residents of the Reservation.

(ii) Tribal commercial assignment are intended to provide for use of such lands by the lessee in accordance with the terms of the lease that, while such lands may be used to establish a security interest in such lands by the lessee, nothing in this Code shall be construed to subject such lands to alienation of tribal ownership in any manner.

(iii) To the extent that a security interest is necessary for utilizing the lands for business development purposes, and to the extent that such purposes and use of the land is consistent with the lease and this Code, lands subject to a commercial lease of the Tribe may be utilized for purposes of implementing this Code.

##### (b) Terms of Commercial Leases.

Consistent with the Tribal policy of employment in lieu of taxes, lands controlled by a commercial assignment issued by the Tribe under the terms and conditions of the Tribal Comprehensive Business Code and the Tribal Land Assignment Ordinance shall be issued for a term of \$1.00 for each twenty-five year term, with an option to renew, provided, however, that such lands continue to be utilized for fulfilling the purposes of the Tribal Comprehensive Business Code.

##### (c) Penalty for Unused Leased Lands.

If for any reason that the lessee does not utilize the leased tribal property provided under this Code for a period of 1 year from the anniversary date of the lease, the lessee shall pay a lease fee to the Tribe an amount of \$500.00 per month for each month that leased land is not utilized for the prescribed purpose. The Director of Commerce, however, may waive such lease fee upon the lessee submitting sufficient documentation that demonstrates beyond a reasonable doubt that the land has been or will be used for its intended purpose within a reasonable time frame.

##### (d) Lessee's Option for Reducing Monthly Fee.

At his or her option, the lessee may hire at his or her cost a qualified appraiser to conduct an appraisal of lands subject

to the commercial lease such documentation that demonstrates beyond a reasonable doubt that an amount of less than \$500 is more appropriate for the monthly charge for such lands.

(e) Nothing in this section is intended nor shall be construed as permitting any lessee to hold lands under a commercial lease without utilizing such lands for its intended purpose as provided in the lease. Further, nothing in this section is intended nor shall be construed as permitting any lessee to maintain control over any lands controlled under a commercial lease which are not being utilized or are planned to be utilized for business development purposes provided for in this Code.

(f) The Tribal Department of Commerce, in conjunction with the Tribal Land Department, is authorized to enforce the terms of commercial leases entered into pursuant to this Code and the Tribal Land Ordinance.

#### 60.104. COMMERCIAL AGRICULTURAL LEASES.

The Section 9 of the Tribal Land Ordinance is amended to provide that no residential lease may preempt a commercial agricultural lease when the agricultural lease is being used to promote employment and business opportunities.

#### 60.105. MULTI-YEAR AND LONG-TERM RESOURCE USE PERMITS.

(a) In order to facilitate the creation and maintenance of business and employment opportunities for business, the tribe, tribal members and Reservation residents, the Tribal Council may, when appropriate, enter into multiple-year and long term leases and permits for use of tribal resource, property and other agreements with businesses as provided by tribal laws and regulations.

(b) Leases and permits issued under this Code shall include provisions for:

(i) The date by which the resource will become available;

(ii) For permits and leases for resources that require annual allocations of resources, the date by which the resource will become available each year;

(iii) The total volume of resources covered by the lease or permit by total or annual amount;

(iv) If applicable, the price of the resource covered by the lease and permit (taking into consideration the employment in lieu of taxing policy); and

(v) Environmental considerations (if any) that will be made part of the lease or permit.

#### 60.106. PER CAPITA ORDINANCE EXEMPTION FOR TRIBAL EMPLOYMENT RIGHTS TAX EXEMPTION FOR EMPLOYMENT AND RELATED TRAINING FUNDS.

For purposes of the Tribal Per Capita Ordinance, Ordinance No. 5-96, of the Tribal Code, the Tribal Employment Rights Tax funds that are designated for employment and employment related training or that are specifically designated for training activities to implement the Tribal Comprehensive Business Code and any of its Titles are exempt from the provisions of the Ordinance.

#### 60.107. PER CAPITA ORDINANCE EXEMPTION FOR TRIBAL EDA REVOLVING LOAN FUND.

Consistent with the spirit and intent of the EDA Revolving Loan Fund to stimulate and promote business and employment opportunities, the EDA Loan Funds are hereby exempted from the provisions of the Tribal Per Capita Ordinance, Ordinance No. 5-96, of the Tribal Code.

**60.108 TRIBAL CONSTRUCTION TAX ORDINANCE EXEMPTION.**

The Tribal Construction Tax Ordinance, Ordinance No. 4-95, does not apply to businesses operating with the exterior boundaries of the Reservation pursuant to the Tribal Comprehensive Business Codes.

**60.109. BUSINESS DEVELOPMENT RESERVED LANDS.****(a) Cal Pac Mill Site.**

The area on the Reservation previously known as the Cal Pac Mill site is reserved for commercial purposes. Such lands may be leased by for-profit corporations and tribal entities for promoting the policies and purposes of the Tribal Commercial Business Code.

**(b) Masonite Mill Site.**

The area on the Reservation previously known as the Masonite Mill sites are reserved for commercial purposes. Such lands may be leased by for-profit corporations and tribal entities for promoting the policies and purposes of the Tribal Commercial Business Code.

**60.108. PAN-HANDLING AND LOITERING PROHIBITED.**

No person may pan-handle and loitering within 25 feet from any entrance of any business, or 25 feet from any fixed device used in

the operation of such business, licensed under this Code. Any person found pan-handling shall be subject to:

(a) A warning for the first offense;

(b) A warning and removal from the premise for the second offense; and

(c) A fine, removal, exclusion or other appropriate penalties for the third or additional offenses.

**60.109. EDUCATIONAL ORGANIZATIONS.**

Every educational organization or institution of learning operating pursuant to this Code, whether for-profit or non-profit, shall comply with the educational standards of the Tribe as a condition of its business license.

**60.110. EDUCATIONAL AND RECREATIONAL ORGANIZATIONS - DRUG AND ALCOHOL FREE REQUIREMENTS.**

Every educational organization, institution of learning, and recreational organization operating pursuant to this Code, whether for-profit or non-profit, when such organization's activities involved minors, shall maintain a drug and alcohol free environment at all times as a condition of its business license.

**60.111. SAVINGS CLAUSE.**

In the event that any provision of this Chapter is found or declared to be invalid, the remaining provisions of this Chapter shall be unaffected thereby, and shall remain in full force and effect.

**C E R T I F I C A T I O N**

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council do hereby certify that the Hoopa Valley Tribal Council, composed of eight members, of which five were present constituting a quorum at a regular meeting thereof; duly and regularly called, noticed, and convened, and held this eighth day of June, 1998; and that this Ordinance was duly adopted by a vote of four for and none against, and that said ordinance has not been rescinded or amended in any way.

DATED THIS 8th DAY OF JUNE, 1998.

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MERV GEORGE, JR., CHAIRMAN

HOOPA VALLEY TRIBAL COUNCIL

ATTEST: \_\_\_\_\_

DARCY BALDY, EXECUTIVE SECRETARY

HOOPA VALLEY TRIBAL COUNCIL

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